



JOHN F. KRATTLI  
County Counsel

COUNTY OF LOS ANGELES  
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION  
500 WEST TEMPLE STREET  
LOS ANGELES, CALIFORNIA 90012-2713

TELEPHONE  
(213) 974-1801  
FACSIMILE  
(213) 626-7446  
TDD  
(213) 633-0901

November 19, 2013

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

Dear Supervisors:

**ADOPTED**

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

14 November 19, 2013

*Sachi A. Hamai*  
SACHI A. HAMAI  
EXECUTIVE OFFICER

**SETTLEMENT OF CONDEMNATION CASE BY  
THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT  
PEOPLE OF THE STATE OF CALIFORNIA, ACTING BY AND THROUGH  
THE DEPARTMENT OF TRANSPORTATION v. RAUL GUERRERO, et al.  
LOS ANGELES SUPERIOR COURT CASE NUMBER NC 057 107**

**SUBJECT**

Recommendation to settle an eminent domain action by the State of California, Department of Transportation ("Caltrans") against the Los Angeles County Flood Control District ("District") to acquire an easement owned by the District, which currently contains a portion of a covered storm drain known as Project 21, Line B, the Artesia-Norwalk Drain in the City of Norwalk. Caltrans intends to relocate the storm drain so that it can construct highway improvements in connection with the Interstate 5 Corridor Widening Project.

**IT IS RECOMMENDED THAT THE BOARD:**

Authorize the Office of the County Counsel to settle an eminent domain lawsuit by accepting total compensation in the amount of \$1,750, and to stipulate to the judgment in condemnation and final order of condemnation, as described herein.

**PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

A proposed settlement of this condemnation action has been reached with representatives of Caltrans and the District. Your Board's authorization is required to accept the agreed compensation from Caltrans and for County Counsel to stipulate to the interlocutory judgment and final order of condemnation.

### **Implementation of Strategic Plan Goals**

The Countywide Strategic Plan directs the provisions of Operational Effectiveness (Goal 1). The revenues received from this settlement will help promote fiscal responsibility for the operation and maintenance of flood control facilities, and avoid litigation costs that would be incurred should the case proceed to trial.

### **Strategic Asset Management Principles Compliance**

Not Applicable.

### **FISCAL IMPACT/FINANCING**

Caltrans will pay to the District the sum of \$1,750 for the acquisition of the easement interest, inclusive of all costs, litigation expenses, and attorneys' fees. This amount will be paid and deposited into the District fund.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

Article I, section 19, of the California Constitution and the Eminent Domain Law (California Code of Civil Procedure, Part 3, Title 7, commencing with section 1230.510) require that the owner of property condemned by a public agency be compensated for the fair market value of the property interests taken.

This requirement of just compensation applies to the condemnation of property owned by a private entity as well as a property owned by a public entity like the District.

Caltrans filed this action to acquire, in fee, a triangular shaped parcel of land improved with a single-family residence located in the City of Norwalk with frontage along Paddison Avenue and secondary frontage along Interstate 5 ("Property"). The southerly corner of the Property (an area of approximately 196 square feet) is encumbered by the District's easement ("Easement") for the operation and maintenance of a covered storm drain known as the Project 21, Line B, Artesia-Norwalk Drain ("Drain"). The Drain is depicted and legally described in the attached Exhibit "A." As part of the Project, Caltrans obtained a permit from the District to relocate the Drain, at Caltrans' expense, onto property to which Caltrans acquired fee title for the Project. Caltrans is required to maintain the Drain until Caltrans grants access to the District for the purposes of resuming operation and maintenance of the Drain.

Since Caltrans is relocating the Drain, the easement will no longer be necessary to the District. Caltrans has offered to pay the District \$1,750, inclusive of all costs, litigation expenses, and attorneys' fees as compensation for the acquisition of the District's easement.

The Department of Public Works ("DPW") has reviewed Caltrans' offer and appraisal data, and has determined that the amount of compensation offered by Caltrans represents fair market value for the easement.

County Counsel concurs with DPW that the proposed settlement is appropriate and reasonable.

### **ENVIRONMENTAL DOCUMENTATION**

The settlement of this eminent domain action does not meet the definition of a project as defined in the California Environmental Quality Act, Public Resources Code section 21065, because it solely pertains to the amount of just compensation Caltrans will pay to the District for the compelled acquisition of the District's property interest, and as such, there is no discretionary act by the District that will cause a direct physical change or a reasonably foreseeable indirect physical change to the environment.

### **CONTRACTING PROCESS**

Not Applicable.

### **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

There will be no impact to the District's services as a result of the proposed settlement.

### **CONCLUSION**

The proposed settlement is reasonable to both parties and is in the best interest of the District. It is requested that the Executive Officer of the Board of Supervisors return one conformed copy of this letter to the Office of the County Counsel and two copies to the Department of Public Works, Survey/Mapping & Property Management Division.

The Honorable Board of Supervisors

11/19/2013

Page 4

Respectfully submitted,

A handwritten signature in blue ink, reading "John F. Krattli". The signature is written in a cursive style with a large initial "J".

JOHN F. KRATTLI

County Counsel

JFK:TH:gjv

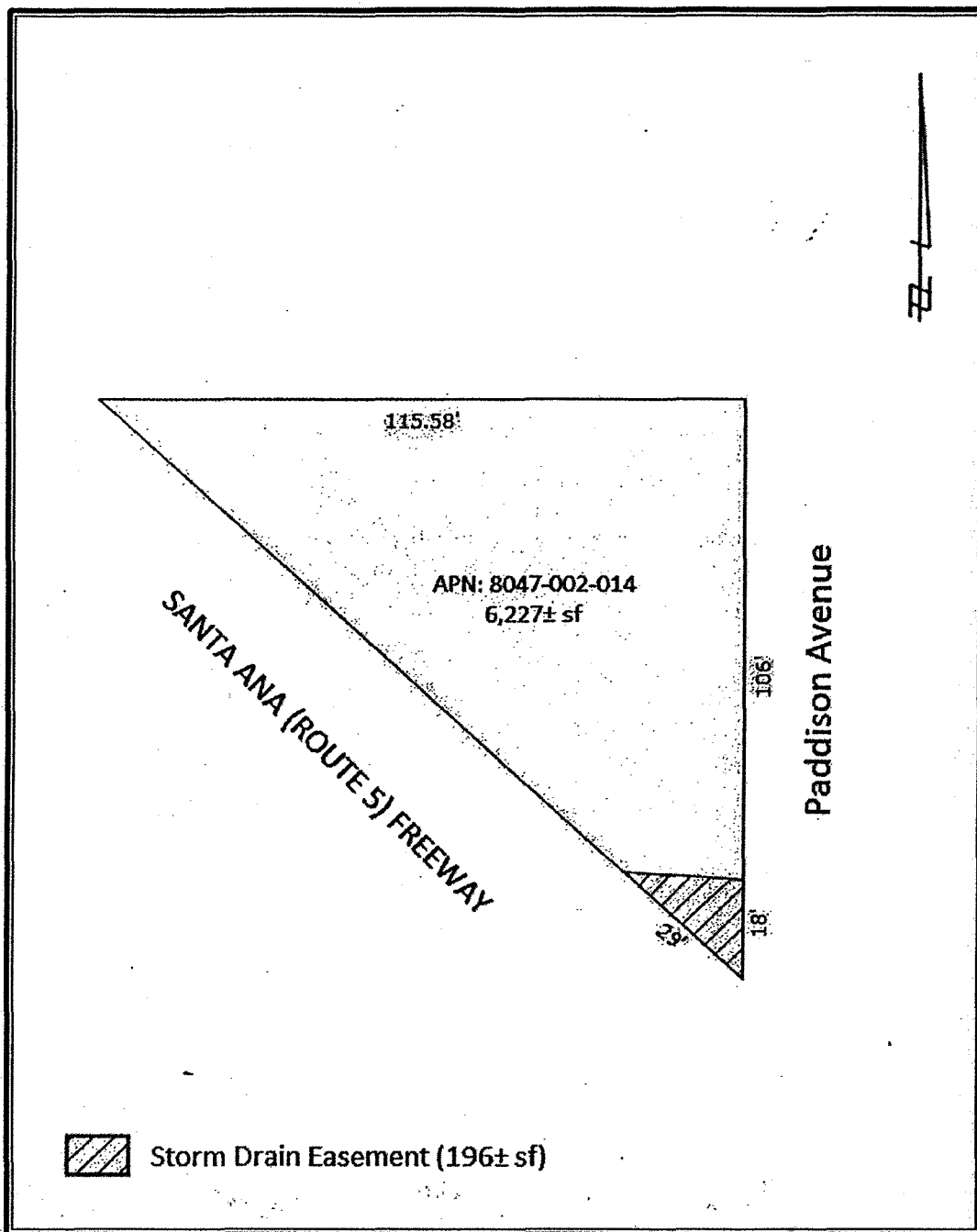
Enclosures

c: William T. Fujioka  
Chief Executive Officer

Sachi A. Hamai, Executive Officer  
Board of Supervisors

Gail Farber, Director  
Department of Public Works

# **EXHIBIT "A"**



Easement for Covered Storm Drain Purposes  
 Granted by way of Final Order of Condemnation  
 Recorded: march 1, 1960  
 Instrument No. 5033

Parcel No. 93

That portion of Lot 130 of Tract No. 17097, in the City of Norwalk, County of Los Angeles, State of California as per map recorded in Book 459, pages 10, 11, and 12, of Maps, in the office of the Registrar-Recorder/County Clerk of County of Los Angeles, lying southerly of the following described line:

Beginning at a point in the easterly line of said lot, distant northerly 18.00 feet, along said line, from the most southerly corner of said lot; thence westerly, in a direct line, to a point in the curved southwesterly line to said lot, distant northwesterly 29.00 feet, along said curved line, from said corner.

The area of the above described parcel of land is 196 square feet, more or less.